

House Calendar No. 114

105TH CONGRESS
1ST SESSION

H. RES. 271

[Report No. 105–335]

Providing for consideration of the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1997

Mr. McINNIS, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising

Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 1(b) of
3 rule XXIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 1534) to simplify and expedite ac-
6 cess to the Federal courts for injured parties whose rights
7 and privileges, secured by the United States Constitution,
8 have been deprived by final actions of Federal agencies,
9 or other government officials or entities acting under color
10 of State law; to prevent Federal courts from abstaining
11 from exercising Federal jurisdiction in actions where no
12 State law claim is alleged; to permit certification of unset-
13 tled State law questions that are essential to resolving
14 Federal claims arising under the Constitution; and to clar-
15 ify when government action is sufficiently final to ripen
16 certain Federal claims arising under the Constitution. The
17 first reading of the bill shall be dispensed with. Points of
18 order against consideration of the bill for failure to comply
19 with clause 2(l)(6) of rule XI are waived. General debate
20 shall be confined to the bill and shall not exceed one hour

1 equally divided and controlled by the chairman and rank-
2 ing minority member of the Committee on the Judiciary.
3 After general debate the bill shall be considered for
4 amendment under the five-minute rule. It shall be in order
5 to consider as an original bill for the purpose of amend-
6 ment under the five-minute rule the amendment in the na-
7 ture of a substitute recommended by the Committee on
8 the Judiciary now printed in the bill, modified by the
9 amendments printed in part 1 of the report of the Com-
10 mittee on Rules accompanying this resolution. That
11 amendment in the nature of a substitute shall be consid-
12 ered as read. No amendment to that amendment in the
13 nature of a substitute shall be in order except a further
14 amendment in the nature of a substitute offered by Rep-
15 resentative Conyers of Michigan or his designee, which
16 shall be considered as read, shall be debatable for thirty
17 minutes equally divided and controlled by the proponent
18 and an opponent, and shall not be subject to amendment.
19 If that further amendment is rejected or not offered, then
20 no other amendment shall be in order except the amend-
21 ment printed in part 2 of the report of the Committee
22 on Rules, which may be offered only by the Member des-
23 ignated in the report, shall be considered as read, shall
24 be debatable for thirty minutes equally divided and con-
25 trolled by the proponent and an opponent, and shall not

1 be subject to amendment. At the conclusion of consider-
2 ation of the bill for amendment the Committee shall rise
3 and report the bill to the House with such amendments
4 as may have been adopted. Any Member may demand a
5 separate vote in the House on any amendment adopted
6 in the Committee of the Whole to the bill or to the amend-
7 ment in the nature of a substitute made in order as origi-
8 nal text. The previous question shall be considered as or-
9 dered on the bill and amendments thereto to final passage
10 without intervening motion except one motion to recommit
11 with or without instructions.

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